

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	Civil Action No. 01-12257-PBS
LITIGATION)	
))	Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel.</i>)	Magistrate Judge Marianne B. Bowler
<i>Ven-a-Care of the Florida Keys, Inc. v.</i>)	
<i>Abbott Laboratories, Inc.</i>)	
CIVIL ACTION NO. 06-11337-PBS)	
))	

**MOTION BY THE UNITED STATES FOR EXTENSION OF TIME,
NUNC PRO TUNC, TO SUBMIT DOCUMENTS FOR *IN CAMERA* REVIEW**

The United States submits this motion for an extension of time until December 8, 2008 to submit privileged documents for *in camera* review pursuant to instructions stated by Judge Saris at a November 13, 2008 hearing in the above-captioned matter.

1. By prior motion, the United States sought and obtained an extension until December 4, 2008 by which to complete the *in camera* submission to the Court. After the Government filed its application for an extension, Magistrate Judge Bowler issued an order scheduling certain motions for hearing on December 4, 2008 - including three motions handled by the undersigned Government attorney who has been responsible for managing the *in camera* submission. Because Government counsel was at the hearing before the Magistrate, or travelling en route to the hearing, he was unable to complete work on the *in camera* submission. Moreover, counsel was also either in deposition or en route to a deposition in this case during the first part of this week.

2. Since the November 13, 2008 hearing before the Court, the Government has released material from its privilege logs on a rolling basis. Documents were produced to defendants on November 21, 2008, followed by another production on November 26. The Government will produce additional documents from its logs today, December 5.

3. The Government will continue to review its privilege logs, confer with agency counsel, and, in all likelihood, release additional documents. The Government still expects to submit certain documents for *in camera* review in a manner that should facilitate, and greatly expedite, review by the Court. Based on the need for undersigned counsel to attend a court hearing and depositions in this matter and in view of the time consumed by travel associated with those obligations, the Government submits that the brief extension requested by this motion is both reasonable and necessary. Wherefore, the Government respectfully requests up to and including December 8, 2008 by which to complete the *in camera* submission described by the Court on November 13, 2008.

Respectfully submitted,

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Dated: December 5, 2008

CERTIFICATE OF SERVICE

I certify that I have this day caused an electronic copy of the above MOTION BY THE UNITED STATES TO ENLARGE TIME to be served on all counsel of record via electronic service by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Date: December 5, 2008

/s/ Justin Draycott
Justin Draycott